

## **II. Remarks**

### **A. Status of Claims**

Claims 1-9, 14-16, and 18-20 are pending. Claims 1-9, 14, 15, and 18-20 are withdrawn. No claims have been amended, canceled, or added by this response. Accordingly, no new matter has been added.

### **B. Drawings**

Applicants thank the Examiner for acknowledging that the drawings filed on April 29, 2008 are accepted and have been entered.

### **C. Telephone Interview**

Applicants thank the Examiner for the courtesies extended to Applicants' representative during a telephone interview on August 4, 2008, in which the translated copy of the priority document was discussed. Applicants' separate record of the substance of the interview is contained in the comments below.

### **D. Translation of Certified Priority Document**

Enclosed is an English translation of the priority document, ES9901235, and the verification of the translator. This supplements the certified priority document filed on June 12, 2008.

### **E. Claim Rejections**

It is Applicants' understanding that all rejections under 35 U.S.C. § 112, first paragraph, were withdrawn by the present Office Action and that no claims are rejected under 35 U.S.C. § 112, first paragraph. Applicants thank the Examiner for withdrawing the rejections under 35 U.S.C. § 112, first paragraph.

Claim 16 stands rejected under 35 U.S.C. § 102(a) as anticipated by Takeba, et al., "Evidence for Neural Regulation of Inflammatory Synovial Cell Functions by Secreting Calcitonin Gene-Related Peptide and Vasoactive Intestinal Peptide in Patients with Rheumatoid Arthritis," *Arthritis and Rheumatism*, (November 1, 1999) 42:2418-2429 (Takeba). For the reasons set forth below, Takeba is not available as a prior art reference, and therefore this rejection is traversed and should be withdrawn.

Takeba published on November 1, 1999. The present application is a national stage application of an international application filed on June 2, 2000 (PCT/ES00/000197), which claims the priority of ES9901235 filed on June 4, 1999. Applicants have previously submitted the certified copy and now perfect the priority claim under 35 U.S.C. § 119(a)-(d) by submitting an English translation and verification of the translator. As shown on page 2, lines 10-13, page 3, line 33 to page 4, line 5, page 4, lines 22-34, and pages 6-8, as well as elsewhere throughout the priority document, the priority document satisfies the description and enablement requirement under 35 U.S.C. § 112, first paragraph, and thus Claim 16 is entitled to a date of invention that is at least as early as June 4, 1999. (*See* MPEP § 706.02(b)). Therefore, since the date of the invention of Claim 16 is before the publication date of Takeba, Takeba is unavailable as a prior art reference.

Claim 16 also stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Takeba, et al. As stated above, Takeba is not available as prior art under any section of 35 U.S.C. § 102, and thus cannot be used in an obviousness rejection under 35 U.S.C. § 103(a). Therefore, this rejection is traversed and should be withdrawn.

**F. Conclusion**

In view of the foregoing, it is believed that this application is in condition for allowance, and a Notice thereof is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3536. All correspondence should be directed to the address given below.

Respectfully submitted,

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